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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

XOCHITL HERNANDEZ, CESAR  
MATIAS, for themselves and on  
behalf of a certified class of  
similarly situated individuals,

*Plaintiffs-Petitioners,*

v.

MERRICK GARLAND, U.S.  
Attorney General, et al.,

*Defendants-Respondents.*

Case No. 5:16-00620-JGB-KK

**NOTICE OF JOINT MOTION FOR  
PRELIMINARY APPROVAL OF  
SETTLEMENT AGREEMENT**

***Zoom or Telephonic Appearance  
Requested***

Hearing Date: December 6, 2021  
Hearing Time: 9 a.m.  
Complaint Filed: April 6, 2016

Honorable Jesus G. Bernal

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**NOTICE OF MOTION AND MOTION**

PLEASE TAKE NOTICE that Plaintiffs and Defendants hereby jointly move under Federal Rules of Civil Procedure 23 for an order (1) granting preliminary approval of the settlement reached between Plaintiffs and Defendants, attached as Exhibit A to the Declaration of Michael Kaufman, as fair, reasonable, and adequate; (2) granting preliminary certification of the Settlement Class; (3) granting approval of the proposed notice to the Class and directing provision of Class Notice; and (4) setting a schedule for the Fairness Hearing. This motion shall be heard on December 6, 2021 at 9 a.m., or as soon thereafter as counsel may be heard in the courtroom of the Honorable Jesus Bernal at the United States Courthouse, 3470 Twelfth Street, Riverside, CA 92501. The Parties jointly request that the Court permit counsel to appear via Zoom or telephone. Under Department of Justice policy related to the COVID-19 pandemic, counsel for Defendants are required to seek leave to appear remotely for court appearances. In addition, both counsel for Defendants have unvaccinated children under the age of 12. Accordingly, to avoid the risks for a potential COVID infection associated with air travel and hotel stays, Defendants requests to appear via Zoom or telephone.

This motion is based upon this Notice of Motion and Motion, the Memorandum of Points and Authorities in support thereof, the Declaration of Michael Kaufman and the exhibits thereto, the complete files and records of this action, and such other evidence and authorities as may be presented to the Court in connection with the briefing and hearing of this motion.

This motion is made pursuant to the class Settlement Agreement entered into by the parties, attached as Exhibit A to the Declaration of Michael Kaufman. This motion is made following conferences of counsel, which have taken place over the course of months, including during settlement negotiations.

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1 Respectfully submitted,

2 Dated: October 25, 2021

By: /s/ Michael Kaufman  
MICHAEL KAUFMAN  
Counsel for Plaintiffs

4  
5 Dated: October 25, 2021

By: /s/ Brian Ward  
BRIAN WARD  
Counsel for Defendants

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